



SCOTTSDALE

CITY COUNCIL MEETING

***AMENDED NOTICE AND AGENDA

(ADDED: 06/06/06 SPECIAL & REGULAR MINUTES AND ITEM 30A; CONTINUED ITEM 31)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, June 20, 2006

3:30 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys in the litigation and consider potential settlement possibilities regarding *Sonrise v. City of Scottsdale, et. al*, Cause No. CV 05-03614-DGC, currently pending in United States District Court. ARS § 38-431.03(A)(3-4). Contact(s): Deborah Robberson, City Attorney, 480-312-2405 drobberson@scottsdaleaz.gov; Sherry R. Scott, Senior Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION FOR:

- A. Discussion and consultation with attorneys and representatives of the public body for legal advice and in order to consider its position and instruct its attorneys regarding the litigation and potential settlement possibilities regarding *Sonrise v. City of Scottsdale, et. al*, Cause No. CV 05-03614-DGC, currently pending in United States District Court. ARS § 38-431.03(A)(3-4).

Adjourn to Executive Session

5:00 P.M. CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Approval of Minutes

SPECIAL MEETINGS

***June 6, 2006

REGULAR MEETINGS

***June 6, 2006

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

CONSENT AGENDA ITEMS 1-30A

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Pizza Express (Beer and Wine Bar) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location.
Location: 8108 E. Thomas Road
Reference: 40-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
2. **Star Spangled Tavern (Restaurant) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.
Location: 20751 N. Pima Road, Suite 100
Reference: 41-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, June 20, 2006
Page 3 of 13

3. **Kwik Mart (Beer and Wine Store) Liquor License**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a newly licensed location.

Location: 7620 E. McKellips Road, Suites 7 and 8

Reference: 42-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. **Arizona Wine Outlet (Beer and Wine Bar) Agent Change**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent change for an existing series 7 (beer and wine) liquor license.

Location: 2515 N. Scottsdale Road

Reference: 43-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

5. **Scottsdale Southern Area Residential Fee Reduction Program**

Request: Approve Resolution No. 6868 allowing continuation of the Residential Fee Reduction Program for one additional year.

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Extension of Downtown Covered Walkway and Façade Improvement Program and Commercial Fee Reduction Programs**

Requests:

1. Approve Resolution No. 6904 extending the end date of the Covered Walkway and Façade Improvement Program to June 30, 2008.
2. Approve Resolution No. 6905 extending the end date of the Downtown Fee Reduction Program to June 30, 2007.
3. Approve Resolution No. 6906 extending the end date of the Southern Area Fee Reduction Program to June 30, 2007.

Related Policies, References:

- Council approved Resolution No. 6695 on July 5, 2005 extending the end date of the Covered Walkway and Façade Improvement Program.
- Council approved Resolution No. 6696 on July 5, 2005 extending the end date of the Downtown Fee Reduction Program.
- Council approved Resolution No. 6697 on July 5, 2005 extending the end date of the Southern Area Fee Reduction Program.
- Council approved Resolution No. 6466 on April 5, 2004 allowing for the temporary reduction of specific development and building fees for a commercially zoned business properties in a designated area south of Camelback Road.
- Council approved Resolution No. 6468 on April 5, 2004 extending the Downtown Fee Reduction Program until June 30, 2005.

CONSENT AGENDA

Tuesday, June 20, 2006
Page 4 of 13

Item 6 (continued from Page 3)

- Council approved Resolution No. 6423 on December 9, 2003, establishing the Covered Walkway and Façade Improvement Program.
- Council approved Resolution No. 6238 on January 21, 2003, establishing the Downtown Fee Reduction Program.

Staff Contact(s): David Roderique, General Manager, Economic Vitality Department, 480-312-7601, droderique@scottsdaleaz.gov

7. [The Reserve and Golf Club Scottsdale Abandonment](#)

Requests:

1. Abandon 967.36 feet of a 30-foot public utility and roadway easement along the north half of Morning Vista Lane Alignment, and 641.69 feet of the south half of Morning Vista Lane Alignment.
2. Abandon 2,594.51 feet of an 80-foot public utility and roadway easement (E. Via Dona Road Alignment) from 118th Street to 122nd Street.
3. Abandon 2,630.86 feet of a 60-foot public utility and roadway easement (E. Dale Lane Alignment) from 118th Street to 122nd Street.
4. Abandon 1,303.66 feet of a 60-foot public utility and roadway easement (E. Dale Lane Alignment) from 122nd Street to 124th Street.
5. Abandon 2,649.30 feet of a 110-foot public utility and roadway easement (120th Street Alignment) from the E. Via Dona Road Alignment to Dynamite Boulevard.
6. Abandon 1,586.98 feet of a 30-foot public utility and roadway easement along the western half of the 122nd Street Alignment from the E. Via Dona Road Alignment to Dynamite Boulevard.
7. Abandon 339.69 feet from the E. Dale Lane Alignment north of a 20-foot public roadway and utility easement.
8. Abandon 719.94 feet of a 20-foot public roadway and utility easement along the 124th Street Alignment from the E. Dale Lane Alignment north.
9. Adopt Resolution No. 6743 vacating and abandoning a public right-of-way.

Related Policies, References: 5-PP-2004 The Reserve Subdivision, 10-AB-2001 The Scottsdale Golf Club Abandonment

Staff Contact(s): Frank Gray, General Manager Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

8. [The Reserve Final Plat Approval](#)

Request: Approve Final Plat of a single-family subdivision of 51 residential lots with amended development standards located on a 202+/- acre parcel.

Location: N. 118th Street

Reference: 5-PP-2004

Staff Contact(s): Frank Gray, General Manager Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

9. **[Construction Bid Award for Camelback Road Improvement Between 64th Street and 68th Street](#)**

Request: Authorize Construction Bid Award No. 06PB118 to Hunter Contracting Company, the lowest responsive bidder, at their unit price bid of \$1,587,695.87.

Related Policies, References: On January 6, 2003 Council awarded Engineering Services Contract No. 2003-001-COS to Tri-Core Engineering for the design of improvements on Camelback Road between 64th Street and 68th Street.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

10. **[Construction Bid Award for Phase II of the Police/Fire Training Facility Improvements](#)**

Request: Authorize Construction Bid Award No. 06PB119 to Howard S. Wright Constructors L.P., the lowest responsive bidder, at their lump sum bid of \$1,700,000 for construction improvements to the Police and Fire Training Facility.

Related Policies, References:

- On May 14, 2001 Council authorized Architectural Services Contract 2000-197-COS for a Police Department modeling, master planning and site evaluation study.
- On July 6, 2004 Council authorized design services contract 2004-100-COS for the design of improvements to the Police and Fire Training Facility.
- On August 29, 2005 Council authorized design-build contract 2005-144-COS for the design and construction of a fire training tower.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

11. **[CM@Risk Construction Services Contract Amendment for Phase II of the Spring Training Facility Project](#)**

Requests:

1. Adopt Resolution No. 6938 authorizing amendment of CM@Risk Contract No. 2005-114-COS with Barton Malow Company at the guaranteed maximum price of \$7,148,858 (including construction contingencies) for Phase II of the Spring Training Facility Project.
2. Authorize a CIP Contingency Budget transfer in the amount of \$2,400,000 from the current year General Fund CIP Contingency to the Spring Training Facility CIP project (Account No. P0402).

Related Policies, References:

- Council approved CM@Risk Contract No. 2005-053-COS with Barton Malow Company for Project Pre-construction Services for Phase I and Phase II of the Professional Baseball Training Facilities project on May 3, 2005.
- Council approved CM@Risk Contract No. 2005-114-COS with Barton Malow Company for Construction Services for Phase I of the Professional Baseball Training Facilities Project on June 7, 2005.
- Development Review Board approved Case 5-DR-1997#3 for baseball training facility improvements at Indian School Park on March 24, 2005.
- Development Review Board approved Case 5-DR-1997#4 for a new clubhouse facility at Indian School Park on March 2, 2006.
- Council approved a Baseball Facilities Agreement with Scottsdale Charros and San Francisco Giants; Arizona Sports and Tourism Authority (AZSTA) Funding Agreement; and Final Design Services Agreement with HOK S+V+E on March 15, 2005.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, June 20, 2006
Page 6 of 13

12. [Construction Services Contract Amendment for Phase II of Pima Road From Loop 101 Freeway to North of Thompson Peak Parkway](#)

Requests:

1. Adopt Resolution No. 6937 authorizing amendment of CM@Risk Contract No. 2005-199-COS with Achen-Gardner Engineering LLC for construction services at a Guaranteed Maximum Price of \$7,715,801 for the second phase of construction of Pima Road from the Loop 101 Freeway to north of Thompson Peak Parkway.
2. Adopt Resolution No. 6931 approving Development Agreement 2006-102-COS between the City and HF Three LLC concerning the dedication of the right-of-way for the Pima Road project.

Related Policies, References:

- Council awarded Engineering Services Contract No. 2003-114-COS to Entellus, Inc. for design of improvements to Pima Road from the Pima Freeway to Thompson Peak Parkway on June 16, 2003.
- Council adopted the Streets Master Plan in October 2003.
- Council awarded a construction contract to Desierto Verde, Inc. for salvaging, storing and planting native plant vegetation on September 6, 2005.
- Council awarded a CM@Risk Pre-Construction Services Contract No. 2005-167-COS to Achen-Gardner Engineering, LLC on November 15, 2005.
- Council awarded CM@Risk Contract No. 2005-199-COS with Achen-Gardner Engineering for construction services for Phase I of the construction of Pima Road from Loop 101 to Thompson Peak Parkway on February 21, 2006.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

13. [Job Order Contracting Construction Services Contract for New Building Construction or Building Improvements](#)

Request: Authorize Job Order Contracting Services Contract No. 2006-093-COS with Sun Eagle Corporation for construction management services for new construction of public buildings or for major improvements to existing public buildings.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

14. [Construction Bid Award for Arabian Library Phase II Expansion](#)

Request: Authorize Construction Bid Award No. 06PB107 to Redden Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$7,377,500.

Related Policies, References: On May 28, 2002 Council authorized Architectural Services Contract 2002-075-COS for the design and construction of the expansion of Arabian Library.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

15. [Landscape Architecture Services Contract for the Design of Chaparral Park Ballfield Complex Renovation](#)

Request: Authorize Landscape Architectural Services Contract No. 2006-103-COS with EPG, in the amount of \$98,416.50 for the design of Chaparral Park Ballfield Complex Renovation.

Related Policies, References: Council approved the 2006/2007 CIP Budget on June 6, 2006. The New CIP includes the South Ballfield Renovation Project.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, June 20, 2006

Page 7 of 13

16. **CM@Risk Design Phase Services for Arizona Canal Phase II Southbank Project**

Request: Authorize Construction Manager at Risk (CM@Risk) Design Phase Services Contract No. 2006-105-COS in the amount of \$60,950 to W.E. O'Neil Construction for the Arizona Canal Phase II Southbank Project.

Related Policies, References:

- In March 2001, the Scottsdale Downtown Task Force recommended that the City “create a pedestrian attraction along the Arizona Canal” between Goldwater Boulevard and Scottsdale Road.
- On January 7, 2002, Council approved design services contract with Design Workshop for the portion of Arizona Canal from Scottsdale Road to Goldwater Boulevard.
- On December 8, 2003, Council awarded a construction contract to Archon, Inc., for Arizona Canal Phase I, which included the Marshall Way pedestrian and transit bridge and connections.
- On May 17, 2004, Council entered into a development agreement with Stetson Canal LLC for a new mixed-use commercial project and public parking at Stetson Drive and Sixth Avenue, and modified the construction contract with Archon, Inc., to add construction of the portion of the public parking garage below Marshall Way.
- On April 5, 2005, Council approved a design services contract to prepare construction documents for Stetson Streetscape and Arizona Canal Phase II Southbank Project.
- On January 11, 2005, Council awarded a construction contract to Achen-Garnder Engineering to relocate utilities along Stetson Drive.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

17. **Water Services Agreement For Lot 24A of the Carefree Ranch Homesteads Subdivision**

Requests:

1. Adopt Resolution No. 6898 authorizing the execution of Water Service Agreement No. 2006-032-COS for Lot 24A of the Carefree Ranch Homesteads subdivision.
2. Authorize Water Service Agreement No. 2006-032-COS for Lot 24A, Carefree Ranch Homesteads, Maricopa County Tax Assessor Parcel No. 219-47-067D, with the A & M Land Development, LLC.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Dave Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

18. **Online Payments of Tax and License Fees**

Request: Authorize the award of Contract No. 2006-104-COS for the processing and handling of Internet (web) based payments for Transaction Privilege (Sales) Tax and regulatory license fees to Official Payments Corporation.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov; Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, June 20, 2006
Page 8 of 13

19. Proposed Changes to the City Privilege/Use Tax Code

Requests:

1. Adopt Ordinance No. 3682 to amend the City Tax Code, Appendix C of the Scottsdale Revised Code, to implement state mandated changes to Sections 540, 542, 560 and Regulation 250.1 (regarding interest rate and refund procedures).
2. Adopt Ordinance No. 3683 to implement state mandated changes to Section 445 of the City Tax Code, Appendix C, of the Scottsdale Revised Code, to provide an exemption of income from low-income units established under Section 42 of the Internal Revenue Code.

Related Policies, References: The proposed changes will amend Sections 445, 540, 542, 560 and Regulation 250.1 of Appendix "C" of the Scottsdale Revised Code to reflect the proposed refund procedure changes, interest rate changes and low-income housing exemption.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

20. Adoption of Property Tax and Streetlight Levies

Requests:

1. Adopt Ordinance No. 3686 setting the FY 2006/07 property tax levy and rate.
2. Adopt Ordinance No. 3685 setting the streetlight property tax levy by district.

References: Arizona Revised Statutes, City Charter

Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov; Art Rullo, Budget Director, 480-312-2435, arullo@scottsdaleaz.gov

21. Purchase of Property-Casualty Insurance for the Period July 1, 2006 to July 2007

Requests:

1. Authorize purchase of General Liability, Vehicle Liability and Public Officials Errors and Omission insurance protection of \$50,000,000 Limits of Liability per occurrence and annual aggregate coverage from various insurers for claims in excess of the City's self-insured retention amount of \$2,000,000 per occurrence for a cost of \$626,694.
2. Authorize purchase of Property insurance for approximately \$675 million of buildings, contents and equipment replacement values in excess of the deductible portions from the St. Paul/Travelers Insurance Company at a cost of \$590,164.
3. Authorize the purchase of Workers' Compensation insurance from Midwest Employers Casualty Company in excess of the City's proposed self-insured retention amount of \$750,000 for a cost of \$129,976.
4. Authorize purchase of Scottsdale Airport Liability and Hangarkeepers' Legal Liability insurance of \$100,000,000 per occurrence and annual aggregate limits of Airport Liability coverage and \$100,000,000 for Hangarkeepers' Legal Liability coverage from insurers ACE/Lloyds at a cost of \$54,434.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, June 20, 2006
Page 9 of 13

22. **Intergovernmental Agreement With Scottsdale Public Schools for Drug, Alcohol and Violence Prevention Services**

Request: Adopt Resolution No. 6844 which authorizes Intergovernmental Agreement No. 2006-015-COS, which will provide funding in the amount of \$253,978, to fund drug, alcohol and violence prevention education, as well as other student support services, in all 33 Scottsdale schools, for fiscal year 2006-2007.

Related Policies, References: City Council adopted Resolution No. 6655 on June 21, 2005, which authorized Intergovernmental Agreement No. 2005-041-COS in the amount of \$253,978 to fund alcohol, drug and violence prevention services in 33 Scottsdale schools, including the School District's alternative school, for fiscal year 2005/2006. The City has previously entered into intergovernmental agreements to provide these services for fiscal years 1999/2000 through 2004/2005.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

23. **Renewal of Contract with Ayers & Brown, P.C. for Legal Fees**

Request: Adopt Resolution No. 6900 authorizing the Mayor to execute Contract No. 2004-035-COS-A1, an outside counsel contract for legal fees in a maximum amount of \$300,000, and Contract No. 2006-109-COS, an outside counsel contract for costs in a maximum amount of \$200,000 with the law firm of Ayers & Brown, P.C., for legal services and costs regarding representation of the City of Scottsdale in *City of Scottsdale v. Edmunds-Toll Construction Company, et al.*, CV2004-001025, a condemnation action brought to acquire property for the McDowell Sonoran Preserve gateway.

Related Policies, References: Resolution No. 6484

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-7794, drobberson@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

24. **Gila River Indian Community Amended and Restated Water Rights Settlement Agreement**

Requests:

1. Adopt Resolution No. 6930 declaring Amendment No. 1 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement a public record.
2. Adopt Resolution No. 6925 approving and authorizing the Mayor to execute Amendment No. 1 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement No. 2003-049-COS-A1, an agreement among the City of Scottsdale, the Gila River Indian Community and various other state and federal parties. The Settlement Agreement settles the water rights claims of the Gila River Indian Community. Amendment No. 1 to the Settlement Agreement corrects certain errors and omissions to two exhibits involving parties other than the City and that are part of the overall settlement.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

25. [Settlement of Papago Plaza v. City of Scottsdale](#)

Requests:

1. Adopt Resolution No. 6940 authorizing final settlement agreement (No. 2006-111-COS) in the amount of \$62,127 for court-ordered partial damages, and \$36,125 in additional settlement monies to resolve a lawsuit entitled *Papago Plaza v. City of Scottsdale*, Cause No. CV2004-006696, currently pending in Maricopa County Superior Court.
2. Authorize a budget contingency transfer from the General Fund to the City Attorney's Office in the total amount of \$98,252 to fund the settlement.

Related Policies, References: Scottsdale Revised Code §§ 16-201, *et seq.*

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-7794, drobberson@scottsdaleaz.gov

26. [Settlement of Lawsuit Against Defendant Price Waterhouse in City of Scottsdale et. al v. Bank One, et. al](#)

Request: Adopt Resolution No. 6939 authorizing the NCFE Loss Recovery Coalition and/or the State of Arizona to enter into a settlement on the City of Scottsdale's behalf resolving claims pending against Price Waterhouse in *City of Scottsdale, et. al, v. Bank One, et. al*, Cause No. CV03-1220-PHX-ROS, currently pending in United States District Court in Ohio.

Reference: Intergovernmental Agreement Contract No. 2003-112-COS

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-7794, drobberson@scottsdaleaz.gov

27. [Professional Benefits Consulting Services for Self-Funded Medical and Dental Plans](#)

Request: Authorize the award of Contract No. 2006-107-COS for professional benefits consulting services for the City's self-funded medical and dental plans to Mercer Health and Benefits.

Related Policies, References:

- April 4, 2006 City Council discussion and approval of premium contribution rates and plan design changes for employee health and dental plans for FY 2006/07.
- June 20, 2006 request to City Council to authorize a contract for professional auditing services to audit the City's self-funded medical and dental plans.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov; Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

28. [Professional Auditing Services for Self-Funded Medical and Dental Plans](#)

Request: Authorize the award of Contract No. 2006-108-COS for the audits of the City's self-funded medical (including prescriptions) and dental plans to Chapman Kelly, Inc.

Related Policies, References:

- March 21, 2006 City Council discussion of premium contribution rates and plan design changes for employee health and dental plans for FY 2006/07.
- April 4, 2006 City Council discussion and approval of premium contribution rates and plan design changes for employee health and dental plans for FY 2006/07.
- June 20, 2006 request to City Council to authorize a contract for professional benefits consulting services.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov; Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

29. [Associate City Judge Compensation](#)

Request: Approve an increase in Associate City Judge base salary to \$123,593.60 annually, effective at the start of FY 2006/2007.

Related Policies, References: Scottsdale Revised Code Section 9-2 provides that the City Council will determine the compensation of the City Judge and all other judges of the City Court.

Staff Contact(s): Teri Traaen, General Manager Human Resources, 480-312-2615, ttraaen@scottsdaleaz.gov

30. [Network Vulnerability Assessment](#)

Request: Authorize the award of Contract No. 2006-090-COS to conduct a comprehensive network vulnerability assessment of the City of Scottsdale's network and computing infrastructure to Eide Bailly Technology Consulting for a total amount of \$48,000.

Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov

*****30A. [Lease Agreement for Commercial Office/Counter Space at the Scottsdale Airport Terminal Building](#)**

Request: Authorize Lease Agreement No. 2006-033-COS with Aviation Ventures, Inc., dba Vision Air, for commercial office/counter space (Suites 104 and 105) at the Scottsdale Airport Terminal Building.

Staff Contact(s): Mary O'Connor, General Manager Transportation, 480-312-2334, moconnor@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.

*****31. Colaric Abandonment (Item No. 31 Has Been Continued to July 10, 2006)**

32. [Annual Financial Participation Agreement with Scottsdale Cultural Council](#)

Request: Authorize general fund budget support for the Scottsdale Cultural Council (“Cultural Council”) and allow the Cultural Council to continue to administer the City’s arts and cultural programs according to the terms of the Management Services Agreement. It also authorizes several supplemental funding requests from the Cultural Council. All of these requests, except for the SMOCA collection, are one-time only allocations for FY 2006/07. Any extension of the Theater 4301 allocation must return to the City Council for approval. This action also approves the administrative budget to be drawn from capital project P8740 Art in Public Places for Scottsdale’s Public Art Program for FY 2006/07.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

33. [Next Bar and Nightclub Conditional Use Permit](#)

Requests:

1. Approve a conditional use permit for a bar on a 5,137+/- square feet existing building located at 7111 E. 5th Avenue with Central Business District downtown Overlay (C-2 DO) zoning.
2. Adopt Resolution No. 6869 affirming the conditional use permit for a two-year period and authorizing the lease of parking spaces from the in-lieu parking program and providing for a period of one year to develop a daytime use.

Location: 7111 E. 5th Avenue

Related Policies, References: 28-UP-2004, General Plan, Downtown Plan

Staff Contact(s): Frank Gray, General Manager Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Mayor and Council Items Begin on the Following Page

Mayor and Council Items

34. [**Citizen Petition Requesting Reconvening the ASU Scottsdale Ad Hoc Working Group**](#)
Request: Consideration of a citizen petition requesting the City Council reconvene the ASU Scottsdale Ad Hoc Citizens Advisory Working Group to study the SkySong Phase III proposal and table further Council discussion until after the working group has conducted public hearings and provides the City Council with its findings.
35. [**Citizen Petition Requesting Appointment of a City Treasurer**](#)
Request: Consideration of a citizen petition requesting the City Council act in accordance with the provisions of the City Charter and appoint a treasurer to fill the charter position of City Treasurer.
36. [**Citizen Petition Concerning Ordinance No. 3658 and Resolution No. 6802 Regarding the Regulation of Sexually Oriented Businesses**](#)
Request: Consideration of a citizen petition requesting Council adopt a proposed ordinance and resolution in lieu of Scottsdale Ordinance No. 3658 and Resolution No. 6802 previously adopted by the Council on December 12, 2005 and referred to a vote set for September 12, 2006.
37. [**Citizen Petition Regarding Residential Requirements for Charter Officers**](#)
Request: Consideration of a citizen petition requesting the City Council:
- Determine whether the Charter Officers are in full compliance with the residency requirements of Article 4, Section 1, of the City Charter; and, if a determination is made that a Charter Officer is not in full compliance, to immediately vacate that office and appoint a qualified and qualifying replacement.
 - Immediately make public any legal opinion, case law and/or opinion of the Attorney General as a basis to waive or modify the residential requirements for the City Attorney.
 - Use the procedures set forth in the Code of Ethics, providing for the use of a three person impartial panel, to rule on the matter.
38. [**Citizen Petition Regarding Mr. Richard Funke's Land Exchange Proposal**](#)
Request: Consideration of a citizen petition requesting that the City Council discuss the following matters before the City Council summer break:
- The City's original request to incorporate a 150-car public parking facility within Mr. Funke's future retail development located at Indian School Road and Marshall Way.
 - Alternate locations to the City's planned water booster station.
 - A land exchange using the western portion of Mr. Funke's property along Indian School Road for the City's planned pump station.

City Manager's Report

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Adjournment